

Docket No. T3392-907823

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	:	Confirmation No.: 5426
William R. LEHMAN et al.	:	Examiner:
Serial No.: 10/015,583	:	Minh Chau Thi PHAM
Filed: December 17, 2001	:	Group Art Unit: 1724
For: System and Method for Removing	:	
Contaminates from the Air in a Mail-Sorting	:	
Room	:	
	:	McLean, Virginia
	:	May 2, 2005

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

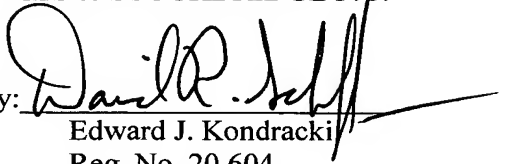
This is to provide documentation of a March 31, 2005, Interview between Primary Examiner Duane Smith (Art Unit 1724) and the undersigned Applicants' representatives regarding a Non-Final Office Action, mailed March 30, 2005.

Applicants' representatives and Primary Examiner Smith spoke regarding the above-identified Office Action and specifically regarding the incorrectness of the 35 U.S.C. §102(a) rejection of Claims 1-33. Primary Examiner Smith admitted that the rejection was indeed incorrect and that it would be withdrawn and a new Office Action issued. However, Primary Examiner Smith noted concerns about the possibility of an on-sale bar resulting from the 37 CFR 1.31 declaration filed to antedate and overcome Patent No. 6,737,029. Applicants' representatives noted that

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 and fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

By: 

Edward J. Kondracki

Reg. No. 20,604

David R. Schaffer

Reg. No. 43,089

1751 Pinnacle Drive, Suite 500  
McLean, Virginia 22102-3833  
Telephone: (703) 610-8649  
#9266958v1



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	:	McLean, Virginia
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**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is to provide documentation of a April 21, 2005, Personal Interview between Supervisory Examiner Duane Smith (Art Unit 1724) and the undersigned Applicants' representative regarding a Non-Final Office Action, mailed March 30, 2005. A copy of an Applicant Initiated Interview Request Form signed by Applicants' representative and Supervisory Examiner Smith is attached. A copy of an Examiner's Interview Summary is also attached.

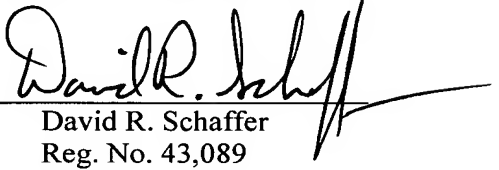
Applicants' representatives and Mr. Smith spoke regarding the above-identified Office Action and specifically regarding a revised 37 CFR 131 declaration to antedate and overcome Patent No. 6,737,029 and address the Examiner's on-sale bar concerns. In addition, deletion of Claims 1-14 and Claims 15-33, as amended, were discussed and agreement was reached that Claims 15033 would be allowable.

there was no on-sale bar, since the sale identified in the 1.131 declaration occurred less than one year before the filing date of the instant application.

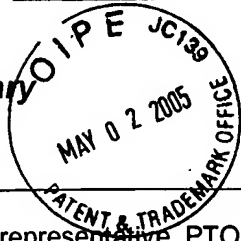
The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 and fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

By:   
David R. Schaffer  
Reg. No. 43,089

1751 Pinnacle Drive, Suite 500  
McLean, Virginia 22102-3833  
Telephone: (703) 610-8649  
#9266958v1

**Interview Summary**

Application No.

10/015,583

Applicant(s)

STOUT ET AL

Examiner

Duane S. Smith

Art Unit

1724

All participants (applicant, applicant's representative, PTO personnel):

(1) Duane S. Smith.

(3) \_\_\_\_\_.

(2) Mr. Schaffe(for applicant)r.

(4) \_\_\_\_\_.

Date of Interview: 22 April 2005.Type: a) ☐ Telephonic b) ☐ Video Conferencec) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: All.Identification of prior art discussed: Miller.Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: discussed 1.131 affidavits suffice to overcome the 102(e) rejection of Miller, agreed to cancel claims 1-14 to put in condition for allowance.

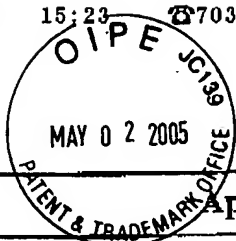
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**DUANE SMITH**  
**SUPERVISORY PATENT EXAMINER**

D - 1117 4-21-05  
Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



PTOL-413A (08-04)  
Approved for use through 07/31/2006, OMB 0561-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/015,583 First Named Applicant: David A. STOUT  
Examiner: Duane S. SMITH Art Unit: 1724 Status of Application: Pending

#### Tentative Participants:

(1) Ex. Smith (2) David R. Schaffer  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 4/21/05 Proposed Time: 11:00 am (AM/PM)

#### Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: 131 Declaration & Exhibits

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1,2,12,15-18, 24,27,29,30</u>	<u>Miller (6,737,029)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Obj.</u>	<u>20-23, 25,26</u>	<u>33</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	<u>28, 31&amp;32</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

#### Brief Description of Arguments to be Presented:

Revised 131 Declaration and new Exhibits sufficient to remove Miller as  
a reference.

Upon removal of Miller, Claims 15-33, as amended, now allowable.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

David R. Schaffer  
Applicant/Applicant's Representative Signature

Y-2105  
Examiner/SPE Signature

David R. Schaffer  
Typed/Printed Name of Applicant or Representative

43,089  
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.